

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Seattle
FILE NUMBER: 200501448

REGULATORY PROJECT MANAGER: Randel Perry **Date:** 4/17/06

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** _Y_ (Y/N) **Date:** _____
At the project site _Y_ (Y/N) **Date:** 4/7/06

PROJECT LOCATION INFORMATION:

State: Washington
County: Skagit
Center coordinates of site by latitude & longitudinal coordinates: Lat 48° 27' 55.3" Long 122° 26' 17.6"
Approximate size of site/property (including uplands & in acres): 32 acres
Name of waterway or watershed: Indian Slough

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary** __ **Or** **Approved** X.

ADDITIONAL INFORMATION SUPPORTING NJD: The 32 acre site is irregular in shape and occupies the southwestern portion of the PACCAR property. The remainder of the site is occupied by a truck testing facility. The site is currently undeveloped and primarily vegetated with native forest. Property slopes generally downhill from north to south. Surrounding vicinity has been moderately developed for commercial use. The site is bounded on the west by Farm-to-Market Road, on the south side by a gravel road, and on the remaining sides by the PACCAR testing facility. Wetlands in question are scattered across the property. Previous land use on the site consisted of logging activities (25-30 years ago). Total acreage of wetlands on site is 3.5 acres of wetlands. Wetlands designated A, B, C, H, M, N, P, and Q (0.10 of an acre) do not have a surface water connection to other navigable or interstate waters of the U. S or tributaries of waters of the U. S. These wetlands are not used for interstate commerce including recreational activities, commercial fishing activities, or used for industrial purposes. Additional, jurisdictional wetlands exist on the site; no final determination has been made for these areas.